

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WELLINGTON HILLS PARK, LLC,

CASE NO. C10-0916JLR

Plaintiff,

ORDER GRANTING IN PART
AND DENYING IN PART
STIPULATION

ASSURANCE COMPANY OF
AMERICA,

Defendant.

The court is in receipt of the parties' stipulation and proposed order extending the deadlines for expert witness disclosure, discovery completion, and dispositive motions (Dkt. # 36). The court GRANTS in part and DENIES in part the stipulation.

In its minute order setting trial date and related dates, the court set the deadline for disclosure of expert testimony on April 27, 2011; the discovery motions deadline on May 27, 2011; the discovery deadline on June 27, 2011; the deadline for filing dispositive motions on July 26, 2011; and the trial date on October 24, 2011. (Dkt. # 20.) The

ORDER- 1

1 parties have now submitted a stipulation to extend the expert disclosure deadline to June
2 1, 2011; the discovery motions deadline to July 1, 2011; the discovery deadline to August
3 1, 2011; and the dispositive motions deadline to August 30, 2011. (Stip. at 1-2.) The
4 parties do not propose moving the trial date or other pre-trial deadlines, nor do they
5 explain why extensions of these deadlines are necessary. (*See id.*)

6 The court issues scheduling orders setting trial dates and related dates to provide a
7 reasonable schedule for the resolution of disputes. First, the court generally sets the
8 discovery motions deadline 30 days prior to the deadline for discovery to allow the court
9 to resolve the motions within the discovery period. Second, the court generally sets the
10 discovery cut-off 30 days prior to the deadline for filing dispositive motions in order to
11 ensure that the court has before it a complete record when it considers a motion that could
12 potentially dispose of the case. Third, the schedule generally provides 90 days between
13 the deadline for filing dispositive motions and the trial date. This 90-day period takes
14 into account: (a) an approximate 30-day lag between the date a party files a motion and
15 the date that motion becomes ripe for the court's consideration, *see* Local Rules W.D.
16 Wash. CR 7(d)(3); and (b) an additional 30 days during which the court endeavors to rule
17 on the motion, *id.* CR 7(b)(5). Anything short of a 90-day period leaves inadequate time
18 for the parties to consider the court's ruling and plan for trial or an alternate resolution.

19 The Federal Rules of Civil Procedure provide that a schedule may be modified
20 only for good cause and with the judge's consent. Fed. R. Civ. P. 16(b)(4). Here, the
21 parties' proposal has the effect of shortening the period between dispositive motions and
22 trial by more than one month. Yet, the parties have made no showing of good cause that

1 would justify such a modification in their case schedule. (*See generally* Stip.) Without a
2 compelling reason to do so, the court declines to abandon the case management principles
3 outlined above with respect to the deadlines for discovery motions, discovery completion,
4 and dispositive motions. The court is, however, willing to provide the parties flexibility
5 with respect to their deadline for disclosure of expert testimony, provided that expert
6 discovery does not jeopardize the deadline for motions related to discovery. The court
7 therefore GRANTS the parties' stipulation with respect to the deadline for disclosure of
8 expert testimony, and extends the expert disclosure deadline to May 27, 2011. The court
9 DENIES the parties' stipulation with respect to the deadlines for discovery motions,
10 discovery completion, and dispositive motions (Dkt. # 36).

11 Dated this 26th day of April, 2011.

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14 JAMES L. ROBART
15 United States District Judge
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